

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Claims 1, 2, 7 and 14 are currently amended. Claim 8 is canceled as its 5 subject matter is represented in independent claim 7. Claims 1-7 and 9-19 are pending.

Examiner Interview

An Examiner Interview was held on March 19, 2008. It was noted that 10 the filing date of the instant application was November 16, 1999 and that the original application was Silicon Graphics Incorporated (SGI). The present applicant ("Applicant") maintains records as to development agreement between SGI and a prominent "Hollywood" production studio around the time of filing of the instant application. If required, Applicant reserves the right to 15 submit such evidence to support non-obviousness of the claimed subject matter (noting that only rejections under §103 appear in the pending Office Action).

Further, the USPTO requires that the claimed subject matter be viewed in its historical context (MPEP §2141.01: "It is difficult but necessary that the decisionmaker forget what he or she has been taught . . . about the claimed 20 invention and cast the mind back to the time the invention was made (often as here many years), to occupy the mind of one skilled in the **art").

The Examiner Interview of March 19, 2008 addressed the foregoing amendment to claim 7 to more particularly claim the playback engine. Specifically, the playback engine performs multiple tasks related to seamless playback of media from two different servers. These tasks include (i) forming frame requests, (ii) determining storage location, and (iii) receiving frames responsive to the requests. Further, the playback engine performs these tasks without transmitting framerate information.

5

With respect to framerate information, support is found at page 16, lines 5-24 of the instant application: "It should be noted that the frame accurate 10 request does not include information as to how fast the clip should be played".

During the interview, Applicant further discussed how "host names" are used by the playback engine to locate or determine where the two different clips are stored. A "host name" is a logical name assigned to a computer (e.g., a server) or other resource on a network. With respect to "host names", support 15 is found at page 14, lines 7-12 of the instant application: "A playlist generally includes a list of sequence of media data clips to be played. Typically, each clip has a 'clip name,' a 'host name,' the beginning frame number and the ending frame number." With respect to storage, support is found at page 18, lines 23-24 of the instant application: "The playback engine determines where the frame 20 is stored."

Applicant submits that the claimed playback engine is not taught or suggested by the references of record. In particular, the playback engine

performs these functions to allow for robust seamless playback of clips from multiple servers associated with multiple host names regardless of framerate (or frame direction) specified by a user.

5 Rejections under §103: Henley in view of Biliris

The Office rejected claims 1, 3-6, 14 and 16-19 under §103 as being unpatentable over US 5761417 to Henley et al. in view of US 5720037 to Biliris et al.

As currently amended, independent claims 1 and 14 now recite “host names” and transmitting frame accurate requests “without framerate information”. Applicant fails to find evidence in the Henley and Biliris references that discloses, teaches or suggests such subject matter.

Henely Reference

15 The Henley reference is entitled “Video data streamer having scheduler for scheduling read request for individual data buffers associated with output ports of communication node to one storage node”. As inferred by the title, data buffers play an important role in the Henely reference’s system.

The Henely reference is primarily directed to a so-called “video data streamer” (media streamer 10) that includes various buffers residing in “communication nodes” 14 and various buffers residing in “storage nodes” 16 and 17. The only mention of a network is to deliver media to TV sets and set

top boxes (col. 12, lines 48-59). In essence, the media streamer 10 receives a command from a system controller and then manages storage node buffers and communication node buffers to ensure delivery of video data to an end user (e.g., a set top box).

5 As shown in Fig. 1 and Figs. 1A-1D of the Henely reference, the media streamer 10 controls buffers in its local communication nodes 14 and buffers in its local storage nodes 16 and 17. Given the locality of these nodes and their respective buffers, the media streamer 10 responds to a system controller 64 to deliver video data via a network to set top boxes 65 (i.e., user control 65 of Fig. 10 1). The purpose of the media streamer 10, the buffer specific operation of the media streamer 10, the number and types of components in the system and the arrangement of components in the system 10 differ from those of claims 1 and 14.

At col. 8, lines 13-38, operation of the media streamer 10 is described 15 where a system controller 64 "responds to inputs from user control set top boxes 65 to cause commands to be generated that enable media streamer 10 to access a requested video presentation." Local access of video data and remote delivery of video data to set top boxes is achieved through management of various buffers. Figs. 20 and 21 of the Henley reference show how video 20 data reaches a NTSC/PAL adapter 212 of a set top box 65. Fig. 20, in particular, highlights the importance of a series of "Input FIFO buffers" 202, 204, 206 that "are employed to insure a constant (isochronous) output video data

stream while allowing bus cycles for loading of the data blocks" where "a 1000 byte FIFO buffer 208 simplifies the CPU and bus loading logic" (col. 33, lines 23-32).

With respect to the Henley reference's focus on buffers, Applicant
5 specifically directs the Office to the Henley reference's stated "buffer underrun" issue that "necessitates a minimum of three large, independent buffers" (col. 33, lines 41-52). Hence, the Henley reference is concerned with managing buffers.

In contrast, the subject matter of claims 1 and 14 operate differently. In
claims 1 and 14 clips and host names are used to transmit frame accurate
10 requests to pull data from two different storage locations.

Biliris Reference

The Biliris reference is entitled "Multimedia on-demand server". The server employs a restricted retrieval strategy and a storage allocation scheme
15 that enable different portions of one or more programs to be continuously retrieved and selective routed to a large number of on-demand viewers, while at the same time minimizing the amount of the RAM required to effect this service (Abstract). While the system of the Biliris reference includes operations like fast-forward, rewind and pause, it does not operate in a manner akin to the
20 subject matter of claims 1 and 14.

As shown in Fig. 1 of the Biliris reference, a library 100 includes a disk 101 and RAM 102. In essence, the RAM 102 is used as a buffer for video

stored on the disk 101 (see, e.g., col. 4, lines 31-39). Applicant submits that both the Henely reference and the Biliris reference are directed to buffer control.

While the Office cites col. 6, lines 31-41 of the Biliris reference as evidence to support a finding that seamless playing of two clips is taught,

5 Applicant submits that this evidence is directed to a continuous view of a single movie stored in the program library 100 (see, e.g., a compressed MPEG movie at col. 7, lines 44-52, as also cited by the Office).

To further distinguish the Biliris reference, Applicant points to col. 7, line 58 to col. 8, line 65 where "begin", "pause" and "fast-forward" operations are explained. Again, these are all accomplished using buffer management and control.

In contrast, the claimed subject matter uses frame accurate requests, which, as described in the instant application, can be used regardless of play direction.

15

Rejections under §103: Henley in view of Shaw and Biliris

The Office rejected claims 7-13 under §103 as being unpatentable over US 5761417 to Henley et al. in view of US 5870553 to Shaw et al. in view of US 5720037 to Biliris et al.

20 Applicant already discussed various evidence with respect to the Examiner Interview, above. Applicant reiterates the arguments pertaining to the Henley reference and the Biliris reference. Further, Applicant submits that the

Shaw reference does not supply that which is missing from the Henely reference and the Biliris reference.

The Shaw reference is entitled "System and method for on-demand video serving from magnetic tape using disk leader files". Fig. 2 shows the 5 system of the Shaw reference as including various components. Applicant fails to understand how or why one would modify the system of the Henely reference given the Shaw reference and the Biliris reference and arrive at the subject matter of independent claim 7.

In particular, Applicant fails to find the playback engine disclosed, taught 10 or suggested by these three references. The Shaw reference is aimed at a combination of "expensive" drive stored media and "less expensive" tape stored media, where tapes are retrieved using a robot (Abstract). Applicant finds this technology in line with the "expensive" RAM and "less expensive" disk system of the Biliris reference – but not in line with the subject matter of claim 7.

15 Claim 7 recites a playlist that includes a first media clip and a second media clip where each media clip has an associated host name. The playback engine uses this information to determine locations and to transmit frame accurate requests to the locations. Applicant fails to find evidence of the recited playlist for a first media clip and first host name and a second media clip and a 20 second host name in the Shaw reference. Instead, Applicant finds no playlist – only a single movie that is partly stored on an "expensive" disk array 24 and partly stored on a "less expensive" tape library 18. While a queue 20 exists for

the tape library, this is not equivalent to the playlist received by the playback engine of claim 7. The queue 20 is for a different purpose and operates differently in the Shaw reference system than the playlist of claim 7.

5 Rejections under §103: Henley in view of Biliris and Shaw

The Office rejected claims 2 and 15 under §103 as being unpatentable over US 5761417 to Henley et al. in view of US 5720037 to Biliris et al. in view of US 5870553 to Shaw et al.

Applicant reiterates the foregoing arguments for independent claims 1
10 and 14 as well as the arguments pertaining to the Shaw reference for claim 7.
For at least these reasons, Applicant submits that claims 2 and 15 are
patentable over the cite references.

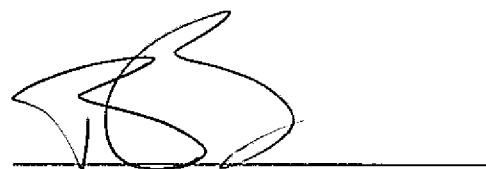
Conclusion

15 Claims 1-7 and 9-19 are pending and believed to be in condition for
allowance. Applicant respectfully requests reconsideration and prompt
issuance of the present application. Should any issue remain that prevents
immediate issuance of the application, the Examiner is encouraged to contact
the undersigned attorney to discuss the unresolved issue.

5

Respectfully Submitted,
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Dated: 3-25-08



Name: Brian J. Pangre
Reg. No. 42,973
Phone No. (509) 324-9256 ext. 231

10